APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,754	01/26/2004	Jan Willem Hellenthal	W. Hellenthal 1-2 (LCNT/1	8766

46363 7590 06/15/2007		EXAMINER
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702		NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/764,754	HELLENTHAL ET AL.
Office Action Summary	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 March 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) <u>8-16 and 20</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7 and 17-19</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the amendments filed 12/10/2006 and the

response to restriction requirement filed 03/27/2007.

Election/Restrictions

2. Applicant's election with traverse of Group I (claims 1-7 and 17-19) in the reply

filed on 03/27/2007 is acknowledged. The traversal is on the ground(s) that the

searches required for claim Groups I and II are co-extensive. This is not found

persuasive because of the fact that the embodiments may be searched together

cannot preclude a requirement for restriction if their appearances are considered

patentably distinct, since patentably distinct embodiments cannot be supported by

a single formal design claim. In this case, there are two patentably distinct groups

of claims, one is drawn to *sending and receiving application programming*

interface commands; and a proxy for receiving application programming

interface commands from said open API server, for sending received application

programming interface commands from said open API server to an application...

based on at least one identified condition, said open API server requests

modification of at least one of said service contract implementation parameters

and the other is drawn to *sending and receiving application programming*

interface commands on said telecommunication network; and a proxy... proxy

monitors the status of the system; and wherein said proxy dynamically selects the

at least first application or second application based on the status of the system, which are specifically classified in two different subclasses 719/328 and 709/224, respectively. Thus, the requirement is still deemed proper and is therefore made FINAL.

Claims 1-20 are pending in this application. Claims 8-16 and 20 are withdrawn from consideration.

Applicant is required to cancel non-elected claims 8-16 and 20 in the next response to this office action.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made to
a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

(b) This application currently names joint inventors. In considering patentability
of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject
matter of the various claims was commonly owned at the time any inventions
covered therein were made absent any evidence to the contrary. Applicant is
advised of the obligation under 37 CFR 1.56 to point out the inventor and
invention dates of each claim that was not commonly owned at the time a later
invention was made in order for the examiner to consider the applicability of 35
U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35
U.S.C. 103(a).

Claims 1-7 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Bouret et al.** (Pub. No.: US 2002/0101879 A1) in view of **Reynolds et al.**

(US 7225244 B2).

As to claim 1:

Bouret teaches the invention as claimed including an apparatus *[see the Abstract*

and the discussion beginning at ¶0018], comprising:

- an open API server *(e.g., The Parlay framework 2 can be seen as a collection of application programming interfaces)* for communicating with a user device *(e.g., user 3)* and for sending and receiving application programming interface commands *(e.g., The APIs are typically used to provide functions) [see the Parlay framework discussion beginning at ¶0036]*; and

- a proxy *(e.g., proxy server 6)* for receiving application programming interface commands from the open API server, for sending the application programming interface commands received from the open API server to an application, for receiving responses from the application *(e.g., an application)*, and for sending the received responses to the open API server *[see the proxy server discussion beginning at ¶0036]*;

- wherein the proxy sends service contract implementation parameters *(e.g., service contracts)* to the open API server *[see the discussion at ¶¶0028, 0031,0036, and 0044]*; and

- wherein the open API server controls sending application programming interface commands based on the service contract implementation parameters *[see the discussion at ¶¶0052-0059]*.

Bouret, however, does not specifically teach based on at least one identified condition, the open API server requests modification of at least one of the service contract implementation parameters.

Reynolds teaches based on at least one identified condition, the open API server

requests modification of at least one of the service contract implementation

parameters *(e.g., see changing/modifying parameters discussion).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Bouret with Reynolds because Reynolds's teaching

would have allowed network operators to provide multiple advanced services, to

more easily provide a wide variety of different and even competing services

without being required to generate and/or maintain these services, and to use

external services for connection management operations such as charging and

intelligent network services.

As to claim 2:

Bouret teaches the service contract implementation parameters are related to a

service contract *(e.g., service contracts) [see ¶¶0028,0031,0036, and 0044]*

As to claim 3:

Bouret teaches a database for storing control parameters, wherein the proxy

accesses and processes the stored control parameters to form the service contract

implementation parameters *[see ¶¶0049-0059].*

As to claim 4:

Bouret teaches a registration *[see ¶¶0018-0020 and 0042-0054]* and discovery

device that receives control parameters, wherein the proxy processes the stored

control parameters to form the service contract implementation parameters *[see*

¶¶0037-0040].

As to claim 5:

Bouret teaches the proxy includes input/output circuitry, a memory, and a

processor *[see the proxy server discussion beginning at ¶0042]*.

As to claim 6:

Bouret teaches a computer readable media for storing program information that at

least partially controls the proxy to produce the service contract implementation

parameters *[see the proxy server discussion beginning at ¶0036]*.

As to claim 7:

Bouret teaches the at least one identified condition comprises a change in service

usage *[see ¶ ¶0021, 0032-0033, and 0061]*.

As to claim 17:

The rejection of claim 1 above is incorporated herein in full. Additionally, Bouret

further teaches obtaining service contract terms *(e.g., an agreement regarding the*

services); processing the service contract terms to develop implementation

parameters for a plurality of open API servers *[see ¶¶ 0044-0051]*; wherein each

open API server sends application programming interface commands only in

accord with its local service contract terms *[see ¶¶ 0052-0059]*.

As to claim 18:

Bouret teaches identifying conditions that may require modifications to local

service contract terms, and sending a request for a local service contract term

modification *[see ¶ ¶0021, 0032-0033, and 0061]*.

As to claim 19:

Bouret teaches storing obtained service contract terms *[see ¶¶0049-0051]*.

Response to Arguments

4.   Applicant's arguments filed on 12/01/2006 have been considered but are moot in

view of the new ground(s) of rejection.

During patent examination, the pending claims must be "given their broadest

reasonable interpretation consistent with the specification." In re Hyatt 21 1 F.3d

1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the

opportunity to amend the claims during prosecution, and broad interpretation by

the examiner reduces the possibility that the claim, once issued, will be

interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05,

162 USPQ 541, 550-51 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-

22, 13 USPQ2d 1320, 1322 (1989) "During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."

Applicant should set forth claims in language that clearly, distinctly, unambiguously, and uniquely define the invention.

Conclusion

5.   The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

Contact Information

6.   Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday

from 8:30AM- 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or

proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

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